

## Remarks

Applicants respectfully request that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicants submit that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicants believe that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 14, 15, 16 and 29 have been amended. No claims have been canceled. Therefore, claims, 2, 4-17, 19-30 and 32-41 are now presented for examination.

Claims 1, 2, 4-8, 16, 17, and 19-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner et al. (U.S. Patent No. 6,502,125) in view of Aggarwal et al. (U.S. Patent No. 5,924,116). Applicants submit that the present claims are patentable over Kenner in view of Aggarwal.

Kenner discloses a system and method for the optimized storage and retrieval of video data at distributed sites calls for the deployment of "Smart Mirror" sites throughout a network, each of which maintains a copy of certain data managed by the system. Every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites. Generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks. See Kenner at Abstract.

Aggarwal discloses a process of pass caching information associated with a data object down a caching hierarchy. The information is passed through an enterprise proxy and through a departmental proxy, and is processed at both before reaching a client computer. Particularly, at each proxy, the caching status information of an object in the higher level proxies is referred to herein as the caching hierarchy label (CHL) value of the object. The CHL value can be stored or transmitted as part of the header of the object

using the PICS protocol. The caching status information can be used to direct the object request to the closest higher level proxy which has potentially cached the object, instead of requesting from the next immediate higher level proxy. See Aggarwal at col. 5, ll. 50 – col. 6, ll. 60.

Independent claims 1, 14, 15 16 and 29 of the present application each recite each node in a virtual tree storing a portion of content and configured to appear as if all of the content is stored locally at the node. Applicants submit that both Kenner and Aggarwal also fail to disclose or suggest a node in a virtual tree storing a portion of content even though the node is configured to appear as if all of the content is stored locally at the node. Since both Kenner and Aggarwal both fail to disclose or suggest a node in a virtual tree storing a portion of content even though the node is configured to appear as if all of the content is stored locally at the node, any combination of Kenner and Aggarwal would also fail to disclose or suggest such a feature. Accordingly, claims 1, 14, 15 16 and 29, and their respective dependent claims are patentable over Kenner in view of Aggarwal.

Claims 1, 2, 4-17, 19-30 and 32-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ehrman et al. (U.S. Patent No. 5,924,116) to Aggarwal et al. Applicants submit that the present claims are patentable over Ehrman in view of Aggarwal.

Ehrman discloses a method for streaming content via a network to a receiver includes the steps of providing a plurality of streams to a plurality of different suppliers and receiving multiple streams from the different suppliers. See Ehrman at Abstract. Although Ehrman discloses dividing content into multiple streams and delivering the multiple streams to a receiving peer from multiple supplying peers, there is no disclose or suggestion of a node in a virtual tree being configured to appear as if all of the content is stored locally at the node.

As discussed above, Aggarwal does not disclose or suggest a node in a virtual tree storing a portion of content even though the node is configured to appear as if all of the content is stored locally at the node. Since both Ehrman and Aggarwal both fail to disclose or suggest a node in a virtual tree storing a portion of content even though the node is configured to appear as if all of the content is stored locally at the node, any combination of Ehrman and Aggarwal would also fail to disclose or suggest such a feature. Accordingly, the present claims 1, 14, 15 16 and 29, and their respective dependent claims, are patentable over Ehrman in view of Aggarwal.

Applicants respectfully submit that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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